

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGEL ACOSTA-PATINO,

Defendant.

**8:14CR390**

**ORDER**

This matter is before the court on the defendant's notice of appeal. [Filing No. 40](#).

The defendant did not pay the \$505.00 appeal fee nor submit a motion to proceed on appeal in forma pauperis. The defendant was represented by counsel in his district court action and does not proceed without authorization as prescribed in Fed. R. App. P. 24(a)(3). Under the Federal Rules of Appellate Procedure, if represented by counsel in the district court, "a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that: (a) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs; (b) claims an entitlement to redress; and (c) states the issues that the party intends to present on appeal." Fed. R. App. P. 24 (a)(1). The clerk of court will be directed to send a copy of form 4 to the defendant for completion. The court will consider the defendant's in forma pauperis status once that affidavit is received. Accordingly,

IT IS ORDERED that the Clerk of Court is directed to send the form captioned "Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis" to the defendant at his last known address.

IT IS FURTHER ORDERED that the defendant shall complete and return the form or pay the \$505.00 appeal fee.

Dated this 11th day of September, 2015

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge